

FILING A SMALL CLAIMS MONEY CASE CHECKLIST – MILWAUKEE COUNTY

Fees: The fee is 98.00.

There may also be fees relating to service (see below). Filing fees and certain service fees can be waived with an approved fee waiver. If you have procedural questions about filing your small claims case, you can call the small claims hotline at 414-278-4140. You will not be given legal advice over the phone.

1. Decide if this case is right for small claims court. Small claims handles claims for money of \$10,000 or less, **UNLESS** the case involves personal injury, a tort, or a third-party claim.
A “tort” is a wrongful act that injures someone and for which the injured person may sue for money damages from the person or business that is legally at fault. The injury may be to a person’s body, property, business, reputation, or other interest. The act may be the result of carelessness (called “negligence”) or may be intentional. A tort is different from a breach of contract or a crime.
2. Decide if Milwaukee County is the proper county to file your case. Milwaukee County is a proper place to file your case if one or more of the following is true:
 - a. The claim arose in Milwaukee County
 - b. The property that is the subject of your claim is located in Milwaukee County
 - c. The defendant (the person you are suing) lives or does business in Milwaukee County
3. Obtain and fill out a Small Claims Summons and Complaint. The form is available from the cashiers in Room 104 or online at www.wicourts.gov.
4. Room 609 (Chief Judge’s office). *Are you seeking a waiver of the filing/service fees?* If so, fill out the Affidavit of Indigency (Fee Waiver). This document must be notarized. You **MUST** also bring with you a month’s worth of pay stubs or proof of public benefits.
5. File the Summons and Complaint. The completed form is filed at Window 6 in Room 104. The cost is 98.00. If you received a fee waiver from Room 609, show the stamped waiver to the cashier
 - a. The cashier at that window will assist you in picking out a return date (court date) and will stamp all your paperwork. You will be given back copies for service.
6. Arrange for service. The party you are suing must be **PERSONALLY SERVED** with the summons and complaint. You cannot serve that party or mail the complaint.
 - a. You can use the Milwaukee County Sheriff, located in Room 102 of the Safety Building (skywalk is on the first floor) (\$60 flat fee for up to three attempts) if the party you are suing is located in Milwaukee County.
 - b. If the party is located in another county, you must contact that Sheriff.
 - c. You can also hire a private process server. The Sheriff or process server will give you an Affidavit of Service after the person is served.
 - d. You **MUST** bring that to court on your return date. All of your work in serving the papers will be wasted unless you remember to bring your **PROOF OF SERVICE** to the hearing.
7. Appear in court on the return date. You must appear in person for your return date unless represented by an attorney. Make sure to give yourself enough time for parking and for going through security. You do not need to bring any witnesses with you, but you may want to bring documentation of your claim.
 - a. If the defendant does not appear, and you have your Affidavit of Service, you may get a judgment on that date.
 - b. If the defendant does appear, and does not admit to owing the money, you will meet with a commissioner.
 - c. If the matter is not resolved (by settlement or otherwise) in front of the commissioner, a date will be assigned for a hearing on the case.

COPIES CAN BE MADE IN ROOM G10-1.



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